

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

AUG 26 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of the )  
Telecommunications Act of 1996: )  
 )  
Telecommunications Carriers' Use ) CC Docket No. 96-115  
of Customer Proprietary Network )  
Information and Other )  
Customer Information )

**COMMENTS OF AMERITECH  
ON PETITIONS FOR RECONSIDERATION**

Ameritech submits these comments on the petitions for reconsideration filed with respect to the Common Carrier Bureau's Clarification Order in the above-captioned proceeding.<sup>1</sup>

Petitions were filed by GTE, Vanguard Cellular Systems, and Comcast Cellular Communications. All three petitions raise the issue of the effect on cellular carriers of the earlier CPNI Order's conclusion that CPNI may not be used to market CPE. Vanguard's and Comcast's filings simply include the petitions that they filed with respect to the CPNI Order on that issue. GTE's filing points out that the Clarification Order provides no relief in that regard even though the Bureau noted that, if a customer purchased CPE from the carrier, the carrier could use CPNI to market to that customer a bundle or package which included CPE.

Though all three petitioners allege "unique" aspects of the CMRS industry with respect to the inclusion of CPE in packages that might be marketed using CPNI, in fact the cellular

<sup>1</sup> Order, DA 98-71 (released May 21, 1998) ("Clarification Order") clarifying the Commission's Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-27 (released February 26, 1998) ("CPNI Order").

No. of Copies rec'd  
List A B C D E

029

situation involves merely a subset of the "customer-carrier relationship" applicable to any carrier which embraces customers' natural expectations that telecommunications-related products and services should be available to them from any carrier serving them. To that extent, Ameritech suggests the Commission address that larger issue by granting Ameritech's Petition for Reconsideration,<sup>2</sup> filed with respect to the CPNI Order, in that regard -- in particular Ameritech's request that the Commission reconsider:

- (1) its conclusion that §222 prohibits the use of CPNI, without customer consent to market CPE and certain information services, such as voice mail, reasonably related to a carrier's telecommunications service offering or, in the alternative, pursuant to §10 of the Communications Act of 1934, as amended, to forbear from the application of §222 to the use of CPNI to market CPE and certain information services, such as voicemail; and
- (2) its conclusion that §222 prohibits the use of CPNI without customer consent, to market bundles or packages of products or services that contain "out-of-category" products or services, or, in the alternative, pursuant to §10 of the Communications Act of 1934, to forbear from the application of §222 to the use of CPNI to market bundles or packages of products or services that contain "out-of-category" products or services.

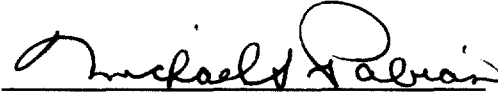
As Ameritech pointed out in its petition, customers' view of what is appropriate for their carrier to offer them extends beyond narrowly defined "telecommunications services" to products or services that have a reasonable and logical (in customers' minds) relationship to underlying carrier services. Using the Commission's own "total service" approach to CPNI, CPE and reasonably related information services should be considered within the bounds of the customer-carrier relationship.

---

<sup>2</sup> And other similar petitions -- e.g., those filed by Bell Atlantic, BellSouth, USTA, SBC, GTE, and NCTA.

By providing relief of this nature, the Commission can not only address the cellular situation but also align its rules to coincide with the expectations of customers of all types of carriers.

Respectfully submitted,

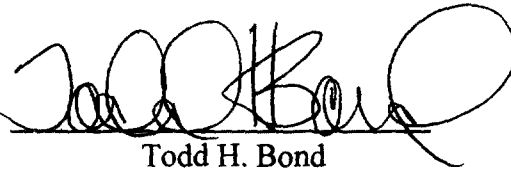
A handwritten signature in black ink, appearing to read "Michael S. Pabian", is written over a horizontal line.

Michael S. Pabian  
Counsel for Ameritech  
Room 4H82  
2000 West Ameritech Center Drive  
Hoffman Estates, IL 60196-1025  
(847) 248-6044

Dated: August 26, 1998  
[MSP0149.doc]

CERTIFICATE OF SERVICE

I, Todd H. Bond, do hereby certify that a copy of the foregoing Comments of Ameritech on Petitions for Reconsideration has been served on the parties listed on the attached service list, via first class mail, postage prepaid, on this 26<sup>th</sup> day of August, 1998.

By:   
Todd H. Bond

LEON M KESTENBAUM  
JAY C KEITHLEY  
MICHAEL B FINGERHUT  
SPRINT CORPORATION  
1850 M STREET NW 11<sup>TH</sup> FLOOR  
WASHINGTON DC 20036

CHERYL A TRITT  
JAMES A CASEY  
MORRISON & FOERSTER LLP  
360 COMMUNICATIONS COMPANY  
2000 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006-1888

JEFFREY E SMITH  
SENIOR VICE PRESIDENT &  
GENERAL COUNSEL  
COMCAST CELLULAR COMMUNICATIONS  
INC  
480 E SWEDESFORD ROAD  
WAYNE PA 19087

LEONARD J KENNEDY  
LAURA H PHILLIPS  
CHRISTINA H BURROW  
DOW LOHNES & ALBERTSON PLLC  
SUITE 800  
1200 NEW HAMPSHIRE AVE NW  
WASHINGTON DC 20036

BENJAMIN H DICKENS JR  
GERARD J DUFFY  
SUSAN J BAHR  
BLOOSTON MORDKOFKY JACKSON &  
DICKENS  
COMMNET CELLULAR INC  
SUITE 300  
2120 L STREET NW  
WASHINGTON DC 20037

L MARIE GUILLORY  
JILL CANFIELD  
NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION  
2626 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20037

MICHAEL J SHORTLEY III  
FRONTIER CORPORATION  
180 SOUTH CLINTON AVENUE  
ROCHESTER NEW YORK 14646

R MICHAEL SENKOWSKI  
MICHAEL YOURSHAW  
GREGORY J VOGT  
WILEY REIN & FIELDING  
GTE SERVICE CORPORATION  
1776 K STREET NW  
WASHINGTON DC 20006-2304

JOHN F RAPOSA  
GTE SERVICE CORPORATION  
600 HIDDEN RIDGE HQW03J27  
IRVING TEXAS 75038

GAIL L POLIVY  
GTE SERVICE CORPORATION  
1850 M STREET NW  
WASHINGTON DC 20036

FRANK W KROGH  
MARY L BROWN  
MCI TELECOMMUNICATIONS CORPORATION  
1801 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

ROBERT M LYNCH  
DURWARD D DUPRE  
MICHAEL J ZPEVAK  
ROBERT J GRYZMALA  
SBC COMMUNICATIONS INC  
ONE BELL CENTER ROOM 3532  
ST LOUIS MISSOURI 63101

LAWRENCE W KATZ  
BELL ATLANTIC TELEPHONE CORPORATION  
8<sup>TH</sup> FLOOR  
1320 N COURT HOUSE ROAD  
ARLINGTON VA 22201

SYLVIA LESSE  
PHILLIP MACRES  
THE INDEPENDENT ALLIANCE  
KRASKIN LESSE & COSSON LLP  
SUITE 520  
2120 L STREET NW  
WASHINGTON DC 20037

FREDERICK M JOYCE  
CHRISTINE MCLAUGHLIN  
JOYCE & JACOBS  
ATTORNEYS AT LAW LLP  
RAM TECHNOLOGIES INC  
1019 19<sup>TH</sup> STREET NW  
FOURTEENTH FLOOR PH2  
WASHINGTON DC 20036

FREDERICK M JOYCE  
CHRISTINE MCLAUGHLIN  
METROCALL INC  
JOYCE & JACOBS  
ATTORNEYS AT LAW LLP  
1019 19<sup>TH</sup> STREET NW  
FOURTEENTH FLOOR PH2  
WASHINGTON DC 20036

RAYMOND G BENDER JR  
J G HARRINGTON  
VANGUARD CELLULAR SYSTEMS INC  
DOW LOHNES & ALBERTSON PLLC  
SUITE 800  
1200 NEW HAMPSHIRE AVENUE NW  
WASHINGTON DC 20036

MARGOT SMILEY HUMPHREY  
KOTEEN & NAFTALIN LLP  
TDS TELECOMMUNICATIONS CORPORATION  
SUITE 1000  
1150 CONNECTICUT AVENUE NW  
WASHINGTON DC 20036

JAMES J HALPERT  
MARK J OCONNOR  
PIPER & MARBURY LLP  
OMNIPOINT COMMUNICATIONS INC  
SEVENTH FLOOR  
1200 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

M ROBERT SUTHERLAND  
A KIRVEN GILBERT III  
BELLSOUTH CORPORATION  
SUITE 1700  
1155 PEACHTREE STREET NE  
ATLANTA GEORGIA 30309

ROBERT HOGGARTH  
SENIOR VICE PRESIDENT  
PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION  
SUITE 700  
500 MONTGOMERY STREET  
ALEXANDRIA VA 22314-1561

WILLIAM L ROUGHTON JR  
ASSOCIATE GENERAL COUNSEL  
PRIMECO PERSONAL  
COMMUNICATIONS LP  
SUITE 320 SOUTH  
601 13<sup>TH</sup> STREET NW  
WASHINGTON DC 20005

FREDERICK M JOYCE  
CHRISTINE MC LAUGHLIN  
ATTORNEYS FOR  
CELPAGE  
1019 19<sup>TH</sup> STREET NW SUITE PH2  
WASHINGTON DC 20036

JUDITH ST LEDGER ROTY  
PAUL G MADISON  
KELLEY DRYE & WARREN LLP  
PAGING NETWORK INC  
SUITE 500  
1200 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

MARK C ROSENBLUM  
JUDY SELLO  
AT&T CORPORATION  
ROOM 3245I1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE NEW JERSEY 07920

LAWRENCE E SARJEANT  
LINDA KENT  
KEITH TOWNSEND  
UNITED STATES TELEPHONE ASSOCIATION  
SUITE 600  
1401 H STREET NW  
WASHINGTON DC 20005

BRAD E MUTSCHELKNAUS  
STEVEN A AUGUSTINO  
KELLEY DRYE & WARREN LLP  
LCI INTERNATIONAL TELECOM CORP  
SUITE 500  
1200 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

DOUGLAS W KINKOPH  
J SCOTT NICHOLLS  
LCI INTERNATIONAL TELECOM CORP  
SUITE 800  
8180 GREENSBORO DRIVE  
MCLEAN VA 22102

ROBERT J AAMOTH  
STEVEN A AUGSTINO  
KELLEY DRYE & WARREN LLP  
COMPETITIVE TELECOMMUNICATIONS  
ASSOCIATION  
SUITE 500  
1200 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

GENEVIEVE MORELLI  
EXECUTIVE VICE PRESIDENT  
COMPETITIVE TELECOMMUNICATIONS  
ASSOCIATION  
SUITE 800  
1900 M STREET NW  
WASHINGTON DC 20036

RACHEL J ROTHSTEIN  
PAUL W KENEFICK  
ATTORNEYS FOR  
CABLE & WIRELESS  
8219 LEESBURG PIKE  
VIENNA VA 22182

KATHRYN MARIE KRAUSE  
ATTORNEY FOR U S WEST  
SUITE 700  
1020 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

S MARK TULLER  
VICE PRESIDENT LEGAL AND EXTERNAL  
AFFAIRS AND GENERAL COUNSEL  
BELL ATLANTIC MOBILE INC  
180 WASHINGTON VALLEY ROAD  
BEDMINSTER NJ 07921

JOHN T SCOTT III  
ATTORNEY FOR  
BELL ATLANTIC MOBILE INC  
1001 PENNSYLVANIA AVE NW  
WASHINGTON DC 20004

JONATHAN E CANIS  
MELISSA M SMITH  
ATTORNEYS FOR INTERMEDIA  
COMMUNICATIONS INC  
1200 NINETEENTH STREET NW SUITE 500  
WASHINGTON DC 20036

ROBERT W MC CAUSLAND  
VICE PRESIDENT REGULATORY AND  
INTERCONNECTION  
ALLEGIANCE TELECOM INC  
1950 STEMMONS FREEWAY SUITE 3026  
DALLAS TX 75207-3118

DANA FRIX  
RAYMOND J KIMBALL  
COMMONWEALTH TELECOM SERVICES  
3000 K STREET NW  
WASHINGTON DC 20007

PAUL H KUZIA  
EXECUTIVE VICE PRESIDENT  
ARCH COMMUNICATIONS GROUP INC  
1800 WEST PARK DRIVE SUITE 250  
WESTBOROUGH MA 01581-3912

BRAD E MUTSCHELKNAUS  
MARIEANN Z MACHIDA  
ATTORNEYS FOR  
E.SPIRE COMMUNICATIONS INC  
SUITE 500  
1200 19<sup>TH</sup> STREET NW  
WASHINGTON DC 20036

JAMES C FALVEY  
VICE PRESIDENT REGULATORY AFFAIRS  
E.SPIRE COMMUNICATIONS INC  
SUITE 100  
131 NATIONAL BUSINESS PARKWAY  
ANNAPOLIS JUNCTION MD 20701

RICHARD J METZGER  
VICE PRESIDENT AND GENERAL COUNSEL  
ASSOCIATION FOR LOCAL  
TELECOMMUNICATIONS SERVICE  
SUITE 900  
888 17<sup>TH</sup> STREET NW  
WASHINGTON DC 20006

DANA FRIX  
RAYMOND J KIMBALL  
ATTORNEYS FOR KMC TELECOM INC  
3000 K STREET NW  
WASHINGTON DC 20007

CATHERINE R SLOAN  
RICHARD L FRUCHTERMAN  
RICHARD S WHITT  
ATTORNEYS FOR  
WORLDCOM INC  
1200 CONNECTICUT AVE NW SUITE 400  
WASHINGTON DC 20036

PAMELA J RILEY  
DAVID A GROSS  
ATTORNEYS FOR  
AIRTOUCH COMMUNICATIONS INC  
1818 N STREET NW SUITE 800  
WASHINGTON DC 20036

CHARLES C HUNTER  
CATHERINE M HANNAN  
ATTORNEYS FOR  
TELECOMMUNICATIONS RESELLERS  
ASSOCIATION  
1620 I STREET NW SUITE 701  
WASHINGTON DC 20006

DANA FRIX  
RAYMOND J KIMBALL  
ATTORNEYS FOR  
FOCAL COMMUNICATIONS GROUP CORP  
3000 K STREET NW  
WASHINGTON DC 20007